



UNITED STATES PATENT AND TRADEMARK OFFICE

fw
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,889	03/01/2002	Shin Ito	NGBC.0012	8166
38327	7590	05/06/2005	EXAMINER	
REED SMITH LLP 3110 FAIRVIEW PARK DRIVE, SUITE 1400 FALLS CHURCH, VA 22042			AGUSTIN, PETER VINCENT	
		ART UNIT		PAPER NUMBER
				2652

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/084,889	ITO, SHIN	
	Examiner Peter Vincent Agustin	Art Unit 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 January 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-8, 13, 18 and 19 is/are allowed.

6) Claim(s) 9-12, 16 and 17 is/are rejected.

7) Claim(s) 14 and 15 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 January 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- Notice of Informal Patent Application (PTO-152)
- Other: _____.

DETAILED ACTION

Drawings

1. A replacement drawing for Figures 12 & 13 was received on January 10, 2005. This drawing is acceptable.

Claim Objections

2. Claims 14 & 15 are objected to because of the following informalities:

Claim 14, line 2 & Claim 15, line 2: “an one-contact-point” should be
--a one-contact-point--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 9-12, 16 & 17 are rejected under 35 U.S.C. 102(a) as being anticipated by the Applicant's admitted prior art.

In regard to claim 9, the Applicant's admitted prior art discloses an optical pickup device comprising: a mounting frame (Figure 13, elements 101 & 102); and a half mirror (100), wherein a mounting face of said half mirror is partially mounted onto a mounting face of said mounting frame with three adhesive contact points (any three of the four elements 103) fixing two parallel side faces of said half mirror to the mounting face of said mounting frame, the adhesive contact points substantially constituting a plane in parallel with the mounting face of said half mirror.

In regard to claim 10, the Applicant's admitted prior art discloses an optical pickup device comprising: a mounting frame (Figure 13, elements 101 & 102); and a half mirror (100), wherein a mounting face of said half mirror is partially mounted onto a mounting face of said mounting frame with three adhesive contact points (any three of the four elements 103) fixing two parallel side faces of said half mirror to the mounting face of said mounting frame.

In regard to claim 11, the Applicant's admitted prior art discloses that said three contact points are arranged remote from each other (as shown in Figure 13).

In regard to claim 12, the Applicant's admitted prior art discloses that said three contact points are positioned near corners of said half mirror (as shown in Figure 13).

In regard to claims 16 & 17, the Applicant's admitted prior art discloses that the mounting frame includes a pair of sub-frames (Figure 13, elements 101 & 102) separated from each other.

Allowable Subject Matter

5. Claims 1-8, 13, 18 & 19 are allowed over the prior art of record.
6. Claims 14 & 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. The Applicant argues that claims 9 & 10 are now allowable over the prior art as amended. The Examiner disagrees. Since the claims do not recite the specifics of the previously allowed claims, they are considered to read on the Applicant's admitted prior art, as noted in items 3-4 above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Friday 9:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Vincent Agustin
Art Unit 2652



BRIAN E. MILLER
PRIMARY EXAMINER